S.B. CRIMINAL MISC. THIRD APPLICATION FOR BAIL/
SUSPENSION OF SENTENCE NO. 359/2007
IN
S.B. CRIMINAL APPEAL NO. 301/2006

(Chandu alias Chandan Singh Vs. State of Rajasthan)

...

Date of Order: July 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. Suresh Kumbhat, for the appellant-applicant.
Mr. V.R. Mehta, Public Prosecutor for the State.

This is third bail application filed by the appellant-applicant seeking suspension of sentence.

I have heard learned counsel for the appellant-applicant. Perused the judgment and order impugned as also the record of the trial Court.

It is contended by the learned counsel for the appellant-applicant that the appellant-applicant has already suffered the imprisonment for two years and about five months and the appeal is not likely to come up for hearing in the near future.

The allegation against the appellant-applicant is that he gave a fist-blow to the deceased. Learned counsel for the appellant-applicant submits that the Bed Head Tick of deceased Sukh Raj clearly reveals that he died of cardiac arrest and, therefore, according to the learned counsel for the appellant-

applicant, there is a debatable point involved in the appeal.

Having regard to the facts and circumstances of the case and the fact that the appellant-applicant has suffered the imprisonment for about two years and five months and the appeal is not likely to come up for hearing in near future, I think is just and proper to suspend the substantive sentence of imprisonment awarded to the appellant-applicant.

Accordingly, the bail application filed under Section 389 Cr.P.C. is allowed and it is ordered that the substantive sentence of imprisonment passed by the learned Special Judge, S.C./S.T. Act Cases, Pali, vide judgment dated 24-3-2006 in Sessions Case No. 1/2001 against appellant-applicant Chandu alias Chandan Singh S/o Moolsingh shall remain suspended till final disposal of the aforesaid appeal, provided he executes a personal bond in the sum of Rs.20,000/- with two sureties of Rs.10,000/- each to the satisfaction of the learned trial Judge for his appearance before this Court on 30-8-2007 and whenever ordered to do so with the incorporation in the bond that as and when he will shift his place of residence, he will intimate to this Court and his lawyer about his new place of residence.

(H.R. PANWAR), J.

mcs